

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

LA.App..No. 474 of 1998 & Cross Objection 4/2006

(LAR 7/95 ON THE FILE OF THE SUB COURT, MUVATTUPUZHA)

APPELLANT:

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS:

JOY JOSEPH, S/O.MATHAI,
KOCHUPARAMBIL, MANNATHOOR.

BY ADV. SRI.H.SIVARAMAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO.474 OF 1998 & Cross Objection 4/2006

Dated 7th September, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in L.A.R.7/95 on the file of the Sub Court, Muvattupuzha. The acquisition is for the purpose of Moovattupuzha Valley Irrigation project. The reference court relied on Ext.A6 judgment in L.A.R.29/95 and connected cases. It is brought to our notice that the said judgment has become final.

2. In the Cross Objection, the attempt is to claim enhancement on the basis of Exts.A1 to A5. Exts.A1 and A2 have been considered by the Reference Court and it was found that they are not comparable with the acquired property being dissimilarly situated. Despite the persuasive contentions taken by Sri.Sivaraman, we are not convinced that the properties are similar and similarly situated. Sri.Sivaraman further contended that Exts.A3 to A5 documents should have been looked into for the purpose of fixing the land value. We are afraid, the said contention also cannot be appreciated. Since those are certificates issued by the revenue authorities, the same cannot

give any indication as to the land value for fixing the market value in a land acquisition reference. The appeal and cross objection are accordingly dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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**KURIAN JOSEPH &
HARUN-UL-RASHID, JJ**

**L.A.A. NO.474 OF 1998
& Cross Objection 4/2006**

J U D G M E N T

Dated 7th September, 2007.